

1 JOHN A. CURTAS, ESQ.  
2 Nevada Bar Number 1841  
3 317 South 6th Street  
4 Las Vegas, Nevada 89101  
5 Telephone: (702) 678-5070  
6 Facsimile: (702) 878-9995

7 Attorneys for Defendant LA FUENTE, INC. dba  
8 CHEETAH'S

9  
10  
11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 THEODORE TRAPP, on his own behalf and on  
14 behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 BIG POPPA'S, LLC, a Nevada Limited Liability  
18 Company d/b/a BADDABING MEN'S CLUB;  
19 SKYTOP VENDING, INC., a Nevada Corporation  
20 d/b/a CANCAN ROOM; LA FUENTE, INC., a  
21 Nevada corporation d/b/a CHEETAH'S; C.P.  
22 FOOD AND BEVERAGE, INC., a Nevada  
23 corporation d/b/a CLUB PARADISE; DEJA VU  
24 SHOWGIRLS OF LAS VEGAS, LLC, a Nevada  
25 limited liability company d/b/a DEJA VU  
26 SHOWGIRLS OF LAS VEGAS; PALOMINO  
27 CLUB, INC., a Nevada corporation d/b/a/  
PALOMINO CLUB; SHAC, LLC, a Nevada  
limited liability company d/b/a SAPPHIRE; K-  
KEL, INC., a Nevada corporation d/b/a  
SPEARMINT RHINO; D.2801 WESTWOOD,  
INC. a Nevada corporation d/b/a TREASURES;  
LITTLE DARLINGS OF LAS VEGAS, LLC, a  
Nevada limited liability company d/b/a LITTLE  
DARLINGS; O.G. ELIADES, A.D., LLC, a Nevada  
limited liability company d/b/a OLYMPIC  
GARDENS; LAS VEGAS ENTERTAINMENT,  
LLC, a Nevada limited liability company d/b/a  
LARRY FLYNT'S HUSTLER CLUB; MICHAEL  
A. SALTMAN d/b/a MINXX; RICK'S LAS  
VEGAS; FRIAS MANAGEMENT, LLC, a Nevada  
limited liability company d/b/a ACE CAB  
COMPANY and A-NORTH LAS VEGAS CAB;

18 CASE NO.: 2:09-cv-00995-LDG-PAL

19  
20 **LA FUENTE, INC. d/b/a CHEETAH'S  
21 ANSWER TO COMPLAINT**

1                   WESTERN CAB COMPANY a Nevada  
2 corporation d/b/a WESTERN CAB COMPANY  
3 and WESTERN LIMOUSINE; NEVADA  
4 CHECKER CAB CORPORATION; a Nevada  
5 corporation d/b/a CHECKER CAB COMPANY;  
6 NEVADA STAR CAB CORPORATION, a Nevada  
7 corporation d/b/a STAR CAB COMPANY;  
8 NEVADA YELLOW CAB CORPORATION, a  
9 Nevada corporation d/b/a YELLOW CAB; LUCKY  
10 CAB COMPANY OF NEVADA, a Nevada  
11 corporation d/b/a LUCKY TRANS; SUN CAB,  
12 INC., a Nevada corporation d/b/a NELLIS CAB  
13 COMPANY; CLS NEVADA, LLC, a Nevada  
14 limited liability company d/b/a CLS  
TRANSPORTATION LAS VEGAS; ON  
DEMAND SEDAN SERVICES, LLC, a Nevada  
limited liability company d/b/a ODS LIMOUSINE  
and ODS CHAUFFEURED TRANSPORTATION;  
BLS LIMOUSINE SERVICES OF LAS VEGAS,  
INC., a Nevada corporation d/b/a/ BLS  
LIMOUSINE SERVICES OF LAS VEGAS;  
DESERT CAB, INC., a Nevada corporation d/b/a/  
DESERT CAB COMPANY and ODYSSEY  
LIMOUSINE; BELL TRANS, A NEVADA  
CORPORATION, a Nevada corporation d/b/a  
BELL TRANS; TONY CHONG, an individual; and  
DOE EMPLOYEES 1-1000,

15                   Defendants.

16                   COMES NOW, Defendant, LA FUENTE, INC. d/b/a CHEETAH'S (hereinafter referred to  
17 as "Defendant") by and through its attorney, JOHN A. CURTAS, ESQ., to hereby Answer Plaintiff's  
18 Complaint as follows:

19                   **NATURE OF ACTION**

20                   1.       Defendant is without knowledge or information sufficient to form a belief as to the  
21 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
22 contained in Paragraph One.

23                   2.       Defendant is without knowledge or information sufficient to form a belief as to the  
24 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
25 contained in Paragraph Two.

26                   3.       Defendant is without knowledge or information sufficient to form a belief as to the  
27 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
28 contained in Paragraph Three.

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Four.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Five.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Six.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Seven.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Eight.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Nine.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Ten.

## PARTIES

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Eleven.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph Twelve.

1           13. Defendant is without knowledge or information sufficient to form a belief as to the  
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
3 contained in Paragraph Thirteen.

4           14. Defendant admits each and every averment contained in Paragraph Fourteen.

5           15. Defendant is without knowledge or information sufficient to form a belief as to the  
6 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
7 contained in Paragraph Fifteen.

8           16. Defendant is without knowledge or information sufficient to form a belief as to the  
9 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
10 contained in Paragraph Sixteen.

11          17. Defendant is without knowledge or information sufficient to form a belief as to the  
12 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
13 contained in Paragraph Seventeen.

14          18. Defendant is without knowledge or information sufficient to form a belief as to the  
15 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
16 contained in Paragraph Eighteen.

17          19. Defendant is without knowledge or information sufficient to form a belief as to the  
18 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
19 contained in Paragraph Nineteen.

20          20. Defendant is without knowledge or information sufficient to form a belief as to the  
21 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
22 contained in Paragraph Twenty.

23          21. Defendant is without knowledge or information sufficient to form a belief as to the  
24 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
25 contained in Paragraph Twenty-One.

26          22. Defendant is without knowledge or information sufficient to form a belief as to the  
27 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
28 contained in Paragraph Twenty-Two.

1           23.    Defendant is without knowledge or information sufficient to form a belief as to the  
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
3 contained in Paragraph Twenty-Three.

4           24.    Defendant is without knowledge or information sufficient to form a belief as to the  
5 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
6 contained in Paragraph Twenty-Four.

7           25.    Defendant is without knowledge or information sufficient to form a belief as to the  
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
9 contained in Paragraph Twenty-Five.

10          26.    Defendant is without knowledge or information sufficient to form a belief as to the  
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
12 contained in Paragraph Twenty-Six.

13          27.    Defendant is without knowledge or information sufficient to form a belief as to the  
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
15 contained in Paragraph Twenty-Seven.

16          28.    Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
18 contained in Paragraph Twenty-Eight.

19          29.    Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
21 contained in Paragraph Twenty-Nine.

22          30.    Defendant is without knowledge or information sufficient to form a belief as to the  
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
24 contained in Paragraph Thirty.

25          31.    Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph Thirty-One.

28          32.    Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Thirty-Two.

3 33. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Thirty-Three.

6 34. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
8 contained in Paragraph Thirty-Four.

9 35. Defendant is without knowledge or information sufficient to form a belief as to the  
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
11 contained in Paragraph Thirty-Five.

12 36. Defendant is without knowledge or information sufficient to form a belief as to the  
13 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
14 contained in Paragraph Thirty-Six.

15 37. Defendant is without knowledge or information sufficient to form a belief as to the  
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
17 contained in Paragraph Thirty-Seven.

18 38. Defendant is without knowledge or information sufficient to form a belief as to the  
19 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
20 contained in Paragraph Thirty-Eight.

21 39. Defendant is without knowledge or information sufficient to form a belief as to the  
22 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
23 contained in Paragraph Thirty-Nine.

24 40. Defendant is without knowledge or information sufficient to form a belief as to the  
25 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
26 contained in Paragraph Forty.

27 **JURISDICTION AND VENUE**

28 41. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Forty-One.

3 42. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Forty-Two.

6 43. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
8 contained in Paragraph Forty-Three.

9 **GENERAL ALLEGATIONS**

10 44. Defendant is without knowledge or information sufficient to form a belief as to the  
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
12 contained in Paragraph Forty-Four.

13 45. Defendant is without knowledge or information sufficient to form a belief as to the  
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
15 contained in Paragraph Forty-Five.

16 46. Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
18 contained in Paragraph Forty-Six.

19 47. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
21 contained in Paragraph Forty-Seven.

22 48. Defendant is without knowledge or information sufficient to form a belief as to the  
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
24 contained in Paragraph Forty-Eight.

25 49. Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph Forty-Nine.

28 50. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Fifty.

3 51. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Fifty-One.

6 52. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
8 contained in Paragraph Fifty-Two.

9 53. Defendant is without knowledge or information sufficient to form a belief as to the  
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
11 contained in Paragraph Fifty-Three.

12 54. Defendant is without knowledge or information sufficient to form a belief as to the  
13 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
14 contained in Paragraph Fifty-Four.

15 55. Defendant is without knowledge or information sufficient to form a belief as to the  
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
17 contained in Paragraph Fifty-Five.

18 56. Defendant is without knowledge or information sufficient to form a belief as to the  
19 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
20 contained in Paragraph Fifty-Six.

21 57. Defendant is without knowledge or information sufficient to form a belief as to the  
22 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
23 contained in Paragraph Fifty-Seven.

24 58. Defendant is without knowledge or information sufficient to form a belief as to the  
25 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
26 contained in Paragraph Fifty-Eight.

27 **EFFECT ON LAS VEGAS**

28 59. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Fifty-Nine.

3 60. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Sixty.

6 61. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
8 contained in Paragraph Sixty-One.

9 62. Defendant is without knowledge or information sufficient to form a belief as to the  
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
11 contained in Paragraph Sixty-Two.

## 12 **ALLEGATIONS AS TO THE NAMED PLAINTIFF**

13 63. Defendant is without knowledge or information sufficient to form a belief as to the  
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
15 contained in Paragraph Sixty-Three.

16 64. Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
18 contained in Paragraph Sixty-Four.

19 65. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
21 contained in Paragraph Sixty-Five.

22 66. Defendant is without knowledge or information sufficient to form a belief as to the  
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
24 contained in Paragraph Sixty-Six.

25 67. Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph Sixty-Seven.

28 68. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Sixty-Eight.

3 69. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Sixty-Nine.

6 70. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
8 contained in Paragraph Seventy.

9 71. Defendant is without knowledge or information sufficient to form a belief as to the  
10 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
11 contained in Paragraph Seventy-One.

12 72. Defendant is without knowledge or information sufficient to form a belief as to the  
13 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
14 contained in Paragraph Seventy-Two.

15 73. Defendant is without knowledge or information sufficient to form a belief as to the  
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
17 contained in Paragraph Seventy-Three.

#### 18 CLASS CERTIFICATION ALLEGATIONS

19 74. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
21 contained in Paragraph Seventy-Four.

22 75. Defendant is without knowledge or information sufficient to form a belief as to the  
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
24 contained in Paragraph Seventy-Five.

25 76. Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph Seventy-Six.

28 77. Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Seventy-Seven.

3 78. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Seventy-Eight.

6 79. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
8 contained in Paragraph Seventy-Nine.

9 **ALLEGATIONS RELATING TO VIOLATIONS OF THE NEVADA RACKETEER  
10 INFLUENCED & CORRUPT ORGANIZATIONS ACT (N.R.S. 207.470 *et seq.*)  
(AGAINST ALL DEFENDANTS)**

11 **The RICO Club Enterprises**

12 80. Defendant denies each and every averment contained in Paragraph Eighty.

13 81. Defendant is without knowledge or information sufficient to form a belief as to the  
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
15 contained in Paragraph Eighty-One.

16 82. Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
18 contained in Paragraph Eighty-Two.

19 83. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
21 contained in Paragraph Eighty-Three.

22 **The RICO Club Criminal Syndicates**

23 84. Defendant denies each and every averment contained in Paragraph Eighty-Four.

24 **The RICO Driver Enterprises**

25 85. Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph Eighty-Five.

28 **The RICO Driver Criminal Syndicates**

1       86.    Defendant is without knowledge or information sufficient to form a belief as to the  
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
3 contained in Paragraph Eighty-Six.

4       87.    Defendant is without knowledge or information sufficient to form a belief as to the  
5 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
6 contained in Paragraph Eighty-Seven.

7       **The Predicate Acts of the Driver Defendants**

8       88.    Defendant is without knowledge or information sufficient to form a belief as to the  
9 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
10 contained in Paragraph Eighty-Eight.

11       89.    Defendant is without knowledge or information sufficient to form a belief as to the  
12 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
13 contained in Paragraph Eighty-Nine.

14       90.    Defendant is without knowledge or information sufficient to form a belief as to the  
15 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
16 contained in Paragraph Ninety.

17       **The Predicate Acts of the Club Defendants**

18       91.    Defendant denies each and every averment contained in Paragraph Ninety-One.

19       92.    Defendant denies each and every averment contained in Paragraph Ninety-Two.

20       93.    Defendant denies each and every averment contained in Paragraph Ninety-Three.

21       94.    Defendant denies each and every averment contained in Paragraph Ninety-Four.

22       95.    Defendant is without knowledge or information sufficient to form a belief as to the  
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
24 contained in Paragraph Ninety-Five.

25       96.    Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph Ninety-Six.

28       97.    Defendant is without knowledge or information sufficient to form a belief as to the

1 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
2 contained in Paragraph Ninety-Seven.

3 98. Defendant is without knowledge or information sufficient to form a belief as to the  
4 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
5 contained in Paragraph Ninety-Eight.

6 **Nevada Rico Injury**

7 99. Defendant is without knowledge or information sufficient to form a belief as to the  
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
9 contained in Paragraph Ninety-Nine.

10 100. Defendant is without knowledge or information sufficient to form a belief as to the  
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
12 contained in Paragraph One Hundred.

13 **COUNT I**

14 **(VIOLATION OF NEVADA RACKETEERING STATUTE)**  
(N.R.S. §207.400(1)(a)(2))  
(As To Club Defendants)

16 101. Defendant incorporates each and every response contained in the foregoing  
17 paragraphs as if fully set forth herein

18 102. Defendant is without knowledge or information sufficient to form a belief as to the  
19 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
20 contained in Paragraph One Hundred Two.

21 103. Defendant is without knowledge or information sufficient to form a belief as to the  
22 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
23 contained in Paragraph One Hundred Three.

24 **COUNT II**

25 **(VIOLATION OF NEVADA RACKETEERING STATUTE)**  
(N.R.S. §207.400(1)(b))  
(As To Club Defendants)

27 104. Defendant incorporates each and every response contained in the foregoing  
28 paragraphs as if fully set forth herein.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Five.

106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Six.

107. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Seven.

### COUNT III

**(VIOLATION OF NEVADA RACKETEERING STATUTE)  
(N.R.S. §207.400(1)(c)  
(As To Club Defendants)**

108.. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

109. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Nine.

110. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Ten.

111. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Eleven.

**COUNT IV**

**(VIOLATION OF NEVADA RACKETEERING STATUTE)  
(N.R.S. §207.400(1)(c))  
(As To Driver Defendants)**

112. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

113. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Thirteen.

114. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Fourteen.

115. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Fifteen.

## COUNT V

**(VIOLATION OF NEVADA RACKETEERING STATUTE)**  
**(N.R.S. §207.400(1)(d))**  
**(As To Club Defendants)**

116. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

117. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Seventeen.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Eighteen.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Nineteen.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty.

111

111

## COUNT VI

**(VIOLATION OF NEVADA RACKETEERING STATUTE)**  
**(N.R.S. §207.400(1)(d))**  
**(As To Driver Defendants)**

121. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

122. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Two.

123. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Three.

124. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Four.

125. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Five.

## COUNT VII

**(VIOLATION OF NEVADA RACKETEERING STATUTE)  
(N.R.S. §207.400(1)(h))  
(As To Club Defendants)**

126. Defendant incorporates each and every response contained in the foregoing paragraphs as if fully set forth herein.

127. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Seven.

128. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, therefore, on that basis, denies each and every averment contained in Paragraph One Hundred Twenty-Eight.

1           129. Defendant is without knowledge or information sufficient to form a belief as to the  
2 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
3 contained in Paragraph One Hundred Twenty-Nine.

4           130. Defendant is without knowledge or information sufficient to form a belief as to the  
5 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
6 contained in Paragraph One Hundred Thirty.

7           131. Defendant is without knowledge or information sufficient to form a belief as to the  
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
9 contained in Paragraph One Hundred Thirty-One.

10           **COUNT VIII**

11           **(VIOLATION OF NEVADA RACKETEERING STATUTE)**  
12           **(N.R.S. §207.400(1)(h))**  
12           **(As To Driver Defendants)**

13           132. Defendant incorporates each and every response contained in the foregoing  
14 paragraphs as if fully set forth herein.

15           133. Defendant is without knowledge or information sufficient to form a belief as to the  
16 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
17 contained in Paragraph One Hundred Thirty-Three.

18           134. Defendant is without knowledge or information sufficient to form a belief as to the  
19 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
20 contained in Paragraph One Hundred Thirty-Four.

21           135. Defendant is without knowledge or information sufficient to form a belief as to the  
22 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
23 contained in Paragraph One Hundred Thirty-Five.

24           136. Defendant is without knowledge or information sufficient to form a belief as to the  
25 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
26 contained in Paragraph One Hundred Thirty-Six.

27           137. Defendant is without knowledge or information sufficient to form a belief as to the  
28 truth of the averments contained therein and, therefore, on that basis, denies each and every averment

1 contained in Paragraph One Hundred Thirty-Seven.

2

## COUNT IX

3

### **(ACTION UNDER N.R.S. §41.600 NEVADA DECEPTIVE TRADE PRACTICES ACT)**

4

**(As To All Defendants)**

5

138. Defendant incorporates each and every response contained in the foregoing  
6 paragraphs as if fully set forth herein.

7

139. Defendant is without knowledge or information sufficient to form a belief as to the  
8 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
9 contained in Paragraph One Hundred Thirty-Nine.

10

140. Defendant is without knowledge or information sufficient to form a belief as to the  
11 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
12 contained in Paragraph One Hundred Forty.

13

141. Defendant is without knowledge or information sufficient to form a belief as to the  
14 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
15 contained in Paragraph One Hundred Forty-One.

16

142. Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
18 contained in Paragraph One Hundred Forty-Two.

19

143. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
21 contained in Paragraph One Hundred Forty-Three.

22

144. Defendant is without knowledge or information sufficient to form a belief as to the  
23 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
24 contained in Paragraph One Hundred Forty-Four.

25

145. Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
27 contained in Paragraph One Hundred Forty-Five.

28

146. Defendant is without knowledge or information sufficient to form a belief as to the  
truth of the averments contained therein and, therefore, on that basis, denies each and every averment

1 contained in Paragraph One Hundred Forty-Six.

2 147. Defendant is without knowledge or information sufficient to form a belief as to the  
3 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
4 contained in Paragraph One Hundred Forty-Seven.

5 148. Defendant is without knowledge or information sufficient to form a belief as to the  
6 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
7 contained in Paragraph One Hundred Forty-Eight.

8 149. Defendant is without knowledge or information sufficient to form a belief as to the  
9 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
10 contained in Paragraph One Hundred Forty-Nine.

11 150. Defendant is without knowledge or information sufficient to form a belief as to the  
12 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
13 contained in Paragraph One Hundred Fifty.

14 151. Defendant is without knowledge or information sufficient to form a belief as to the  
15 truth of the averments contained therein and, therefore, on that basis, denies each and every averment  
16 contained in Paragraph One Hundred Fifty-One.

17 **AFFIRMATIVE DEFENSES**

18 **FIRST AFFIRMATIVE DEFENSE**

19 Plaintiff's Complaint fails to state a claim against Defendant upon which relief may be granted.

20 **SECOND AFFIRMATIVE DEFENSE**

21 Plaintiff's breach of contract cause of action is barred by the Statue of Frauds.

22 **THIRD AFFIRMATIVE DEFENSE**

23 Plaintiff's Complaint fails to join all necessary parties in violation of applicable statutes, rules  
24 and regulations, including NRCP 23.1.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 Plaintiff requests or prays for impermissible relief.

27 **FIFTH AFFIRMATIVE DEFENSE**

28 Plaintiff's damages, if any, were caused in whole or part, or were contributed to by reason of

1 Plaintiff's own negligence and/or willful conduct.

2 **SIXTH AFFIRMATIVE DEFENSE**

3 Plaintiff's claims are barred as Plaintiff has waived its right to assert a portion or all of its  
4 claims against Defendant.

5 **SEVENTH AFFIRMATIVE DEFENSE**

6 Plaintiff's claims are barred by estoppel.

7 **EIGHTH AFFIRMATIVE DEFENSE**

8 Plaintiff's claims are barred by the doctrine of unclean hands.

9 **NINTH AFFIRMATIVE DEFENSE**

10 Plaintiff's claims are barred by failure and lack of consideration.

11 **TENTH AFFIRMATIVE DEFENSE**

12 Plaintiff's claims are barred by laches.

13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 Defendant does not owe any duty to Plaintiff.

15 **TWELFTH AFFIRMATIVE DEFENSE**

16 Plaintiff has failed to mitigate its alleged damages.

17 **THIRTEENTH AFFIRMATIVE DEFENSE**

18 Plaintiff's claims are subject to setoff and offset.

19 **FOURTEENTH AFFIRMATIVE DEFENSE**

20 Plaintiff has failed to plead a violation of Nevada's civil RICO statute with sufficient  
21 specificity required under the law.

22 **FIFTEENTH AFFIRMATIVE DEFENSE**

23 Defendant hereby incorporates by reference those affirmative defenses enumerated in the  
24 Rule 8 of the Federal Rules of Civil Procedure as if fully set forth herein. In the event further  
25 investigation or discovery reveals the applicability of such defenses, Defendant reserves the right to

26    ///

27    ///

28    ///

1 seek leave of Court to amend its Answer to specifically assert the same. Such defenses are herein  
2 incorporated by the reference for the specific purpose of not waiving the same.

3

4 Dated this 24th day of August, 2009

5

6

By: \_\_\_\_\_ /s/  
John A. Curtas, #1841  
317 South 6th Street  
Las Vegas, Nevada 89101  
Telephone: (702) 678-5070  
Facsimile: (702) 878-9995  
Attorneys for Defendant LA FUENTE, INC.  
d/b/a CHEETAH'S

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 24th day of August, 2009, **LA FUENTE, INC. d/b/a CHEETAH'S ANSWER TO COMPLAINT** was electronically served upon all attorneys of record in this matter.

By: /s/  
Jacqueline Delgado  
Employee of John A. Curtas, Esq.